

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Southern District of New York

Adam Gray, et al.,

Plaintiff(s)

V.

City of New York, et al.,

Defendant(s)

Civil Action No. 21-cv-06610-CM

## SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* Lieutenant Daniel Gallagher  
1 Police Plaza  
New York, NY 10038

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Davis Wright Tremaine LLP  
Robert Balin  
1251 Avenue of the Americas  
New York, NY 10020

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

*CLERK OF COURT*

Date: December 6, 2022

/S/ S. James

\_\_\_\_\_  
Signature of Clerk or Deputy Clerk

Suby AK

Civil Action No. 21-cv-06610-CM

**PROOF OF SERVICE***(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* \_\_\_\_\_  
 was received by me on *(date)* \_\_\_\_\_ .

☐ I personally served the summons on the individual at *(place)* \_\_\_\_\_  
 \_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
 \_\_\_\_\_ , a person of suitable age and discretion who resides there,  
 on *(date)* \_\_\_\_\_ , and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* \_\_\_\_\_ , who is  
 designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
 \_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

☐ I returned the summons unexecuted because \_\_\_\_\_ ; or

☐ Other *(specify)*:

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ 0.00 .

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

Job #: 1467084

Attorney: Davis Wright Tremaine LLP- NY

Address: 125 1 Avenue of the Americas, 21st Floor New York, NY 10020

In Re: New York City Policing During Summer 2020 Demonstrations

This filing is related to: ADAM GRAY, JASON DONNELLY, DIANA ZEYNEB ALHINDAWI, JEMELI D. COLE, and AMR ALFIKY

Case Number: 1:21-cv-06610-CM

VS

CITY OF NEW YORK, et al.

Plaintiff

Amended D/F: 11/22/2022

Defendant

STATE OF NEW YORK, COUNTY OF NASSAU, SS:

## AFFIDAVIT OF SERVICE

Latchme D. Drepaui, being sworn says:

Deponent is not a party herein; is over the age of 18 years and resides in the State of New York

On 12/13/2022, at 11:31 AM at: 1 POLICE PLAZA, ROOM 110A, NEW YORK, NY 10038 Deponent served the within Summons in a Civil Action and Second Amended Complaint with Exhibit and Stipulation Regarding Filing of Second Amended Complaint

On: LIEUTENANT DANIEL GALLAGHER, therein named.

Said documents were conformed with index number endorsed thereon

☒ #1 SUITABLE AGE PERSON

By delivering thereof a true copy of each to Georgia Bono (Community Assistant) a person of suitable age and discretion who stated that he/she is authorized to accept service. Said premises is recipient's [X] actual place of business / employment [ ] dwelling house (usual place of abode) within the state

☒ #2 DESCRIPTION

Sex: Female      Color of skin: White      Color of hair: Black      Glasses: Yes  
Age: 51-65      Height: 5ft 4inch - 5ft 8inch      Weight: 131-160 Lbs

☒ #3 MILITARY SERVICE

I asked the person spoken to whether defendant was in active military service of the United States or the State of New York in any capacity whatsoever and received a negative reply. The source of my information and the grounds of my belief are the conversations and observations above narrated.

☐ #4 WITNESS FEES

Subpoena Fee Tendered in the amount of \$

☒ #5 OTHER

I attempted service on 12/12/22 @ 11:54 a.m. As per Georgia Bono, I was advised that she is not authorized to accept service for the Subject. She needs a tax identification number or a shield number. On 12/13/22, Georgia Bono as community assistant stated she is authorized to accept service on behalf of the Subject.

☒ #6 MAILING

Latchme D. Drepaui being duly sworn, deponent completed service by depositing a copy of the said documents in a postpaid properly addressed envelope, bearing the words "Personal and Confidential" by First Class mail on 12/14/2022 to LIEUTENANT DANIEL GALLAGHER at 1 POLICE PLAZA, ROOM 110A, NEW YORK, NY 10038 in an official depository of the United States Postal Service in the State of New York. The envelope did not indicate on the outside thereof, by return address or otherwise, that the communication is from an attorney or concerns an action against the person to be served.

Sworn to before me on 12/14/2022

*[Signature]*  
LATCHME D. DREPAUI  
Notary Public, State of New York  
Registration No. 01DR6349410  
Qualified in Queens County  
Certificate filed in New York County  
Commission Expires 10/17/2024



*[Signature]*  
LATCHME D. DREPAUI  
OCA License # 2066896